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C O N F I D E N T I A L SECTION 01 OF 02 BAGHDAD 004666

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TAGS: [PGOV](#) [PREL](#) [KJUS](#) [IZ](#)  
SUBJECT: CHALABI AGREES TO CONCESSIONS ON DE-BAATH REFORM  
REF: BAGHDAD 4237

Classified By: Ambassador Zalmay Khalilzad for reasons 1.4 (b) and (d).

¶1. (C) SUMMARY: In a December 20 meeting, Chairman of the De-Baathification Commission Ahmed Chalabi told the Ambassador that reform of de-Baath procedures was necessary, but cautioned against blanket decisions that reached too far. The Ambassador emphasized the need for balance, and pressed Chalabi to incorporate into the commission's draft legislation measures to ensure that criminals are brought to justice and the Baath Party cannot return, while allowing ordinary ex-Baathists to reintegrate into society, and victims of the previous regime to be compensated. At the Ambassador's urging, Chalabi agreed to add a modest expansion of benefits, including pensions for former military and security officers, as well as a timeline for termination of the commission's work. END SUMMARY.

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"Blanket Decisions" Not Advisable  
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¶2. (C) Chalabi began with a warning that, although reform was necessary, this issue could have dangerous consequences. He noted that in the days following the PM's speech, 20 former Iraqi Army officers had been kidnapped - 15 of whom had already been found dead. He agreed on the need to start reintegrating former Baathists, but said that "blanket decisions" were not advisable at this time. "Few Shia leaders really understand de-Baathification - they say ok to your memo," he said, referring to the Embassy's note memoire (reftel), "but when you get into details, they are absolutely against it!"

¶3. (C) Chalabi said that he had seen the PM earlier in the day, and that they had discussed the provisions contained in the note memoire. According to Chalabi, the PM was in favor of allowing section (shu'aba) members to apply for pension and reinstatement, but added the condition that all applications for exemptions at that level should be approved by the Council of Ministers. Chalabi also said that he and the PM had agreed that group (firqa) level members who had been granted exemptions would be permitted to hold any job in the government at any rank (NOTE: Baath Party members at all levels are currently prohibited from holding titles at the Director General or District Manager level or above. END NOTE.). Exemptions would be granted to Baath Party members who had not been implicated in criminal activity, he said, while a prosecutor's office would be established in the commission to handle those cases in which evidence of criminal activity exists.

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Chalabi Deals...  
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¶4. (C) The Ambassador stressed that, in order to send a strong message, legislative reform needed to be balanced and to satisfy four basic criteria: criminals are brought to justice, non-criminals are reintegrated into society, victims of the previous regime are compensated and elements of the Baath Party are monitored to ensure that the party does not reemerge. He urged Chalabi to make his draft as simple and clear as possible.

¶5. (C) Chalabi noted that there were hundreds of thousands of people who had suffered under Saddam, and while certain cases could be handled on an individual level, there would be too many claims to address each case. The Ambassador suggested that symbolic compensation, like statues, monuments or a national holiday could help. Chalabi agreed, but pointed out that the HNDBC was not involved in victims' issues; it was solely focused on the Baath Party.

¶6. (C) At the Ambassador's urging, Chalabi agreed to ensure that new legislation included the provisions agreed to in the meeting with the PM, as well as pensions for all former army, intelligence and security officers. He asserted that the commission was still needed and predicted that dissolution of the commission would have a "terrible impact" on the Shia extremists, who would see it as a first step towards returning the Baathists.

¶7. (C) Chalabi also agreed to have a judge review cases publicly, to ensure adequate standards of evidence. He noted that it was important to ensure that the composition of the commission was representative of all of Iraq, but said that the Council of Representatives would select the commissioners. In a surprise concession, Chalabi announced

BAGHDAD 00004666 002 OF 002

that he would insert a sunset clause into the draft legislation. This article would dissolve the commission at the end of the parliamentary term unless the CoR voted to renew its mandate.

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...But Will He Deliver?  
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¶8. (C) Chalabi's concessions on benefits for lower ranking Baathists are not as far reaching as we had hoped to see. In this meeting, he confirmed that ordinary school teachers would have been at least at the group (firqa) level in the Baath Party. This law will still remove people like them from employment, although it does give them the right to pension and to apply for an exemption (which would be granted provided no criminal information exists). However, the restoration of pensions for former members of the military and security services should have a noticeable impact on violence, especially in Salahaddin and Anbar provinces.

¶9. (C) The introduction of a sunset clause would be an important step towards the end of the De-Baathification Commission. However, the way in which this article is written may significantly affect its impact. One of the biggest problems with de-Baathification has been the sensitivity of the issue, and few politicians have been willing to publicly engage on either side of the issue. If written as Chalabi described, (i.e. CoR must proactively seek to extend the mandate of the Commission), this sensitivity may work to bring about a quicker end to the commission's work.

¶10. (C) Chalabi previously agreed to add provisions from the Ambassador's note memoire, however concrete progress has been slow. The PM's involvement at the technical level should ensure that most of the promises made in this meeting are fulfilled. However as noted with the sunset clause, how the draft is written will likely play a significant role in whether or not the reform is meaningful.

